

about, and it poses very fundamental questions for us in this country: Who are we? What do we stand for? Are we going to change the current system?

There are those fighting change in the system, and those leading the fight are health insurance companies. They are making plenty of money under the current system even though causes such as Marcus Evans' end up being untreated, and young men end up suffering as a result of it.

That is why this health care debate is so important. I hope at some point, a couple, maybe even three Republican Senators would step up and say: We want to be part of this historic debate. We don't want to stand on the sidelines and complain about the plays that are being called. We want to be into the actual field of battle to help craft a bipartisan bill.

So far they have turned us down every step of the way except for one Senator, Ms. SNOWE of Maine. I hope that can change, and I hope those who come to the floor every day and complain about health care reform will take 1 day to propose their suggestions. What do they want to do? If they want to stick with the current system, if they do not want to change health care as we know it today, have the courage to stand up and say just that. But, unfortunately, they have said over and over again: We want to criticize. We want to opt out. We don't want to be part of this debate.

That doesn't solve the problems our Nation faces.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, first let me compliment my colleague from Illinois. He is right that the health care system in this country is in need of repair or reform. He is right also about the people who are out there believing they are insured when in fact they are one serious illness away from bankruptcy.

Ten years ago in Fargo, ND, I met a woman who had \$600,000 in the bank. She said she had a job, she had health insurance, and she had equity in a home. Ten years later it was gone. She has a very serious illness. She is a quadriplegic and needs a substantial amount of care, and all those assets are gone. She had insurance and all those assets are gone because her insurance had a cap.

A lot of people don't know that. They say: I have health insurance. Their insurance often has a cap on how much the insurance company will pay in the aggregate, which means they are just one serious illness away from bankruptcy. That is just one among others of the reasons there needs to be some change with respect to the health care issue.

I think this will be difficult. I commend the majority leader for trying to put a bill together. It will come to the floor of the Senate. We will have an op-

portunity to review it and offer amendments, which is the way it should be. My hope is at the end of the day we will be able to advance the issue of health care and improve the health care system in this country.

FEDERAL RESERVE POLICY

Mr. DORGAN. Mr. President, I wanted to mention very briefly—and I will speak about this a bit more later—the daily news about the payment of very large bonuses by some of the largest financial firms that received TARP funds or other funds from the Federal Government to try to keep them afloat during difficult times last year. The notices of the bonuses and profits of those firms at this point are very troubling to me and to a lot of other people.

I want to mention that a group of us a while back wrote to the Federal Reserve Board asking the Federal Reserve Board to release information about how much money went out the back door of the Federal Reserve Board when, for the first time in history, they allowed investment banks to come to the loan window of the Federal Reserve Board and get direct loans. For the first time in history, last year, they did that.

Now the question is, Who got money from the Fed's direct window? Under what conditions did they get that money? How much money did they get? A lot of us have asked the Federal Reserve Board to release that information.

Is that information important? It sure is, to me. Are the companies that are now proposing to pay the very large bonuses the same companies that got money out of the direct loan window of the Fed for the first time in history? Probably. What conditions were attached to that money? What were the rates, if any? We would like to know the specifics.

On September 16, the Chairman of the Federal Reserve Board wrote back to us saying that releasing these names would hinder the Fed's assistance efforts.

That is just a specious argument. The American people's money is put at risk. The American people have the right to know how much money went out that direct lending window at the Fed. We have a right to know—Members of Congress, the American people have a right to know. The Federal Reserve Board is saying we don't have a right to know and they don't intend to tell us.

I am going to talk about this a bit more later. There was a related FOIA case in which a judge found the Federal Reserve had "improperly withheld agency records." The judge called the Fed's argument that borrowers would be hurt if their names were released—the judge says "that was conjectural, without evidence of imminent harm."

Despite the fact that the judge has determined that, we still don't have a

release of this information. In a news article of a congressional hearing, it said a Federal official said the Fed was "giving serious consideration" to releasing the names of firms that received assistance.

In the same article they quoted Fed General Counsel Scott Alvarez as saying at the hearing:

We would be happy to work with you to establish procedures for disclosure.

A few days following that a Bloomberg news article said:

The Fed had decided to appeal the ruling that had ordered the Fed to release the information.

The question is, Why does the Fed believe we and the American people do not have a right to know? It makes no sense to me. I am going to speak about this at greater length later, but, clearly, as big bonuses are going out the back door, don't we have a right to know how much money went in the front door from the Federal Reserve to these institutions? How much, at what rate, and so on? I am going to continue to ask these questions.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. GILLIBRAND). Morning business has expired.

EXECUTIVE SESSION

NOMINATION OF IRENE CORNELIA BERGER TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I rise to speak on precisely the issue the clerk reported. That is something which is extremely important to me and also extremely important to the people of West Virginia, a historic decision we are going to make.

Today the Senate will consider the nomination of Judge Irene Berger to serve on the U.S. District Court for the Southern District of West Virginia. I have had the pleasure of knowing Judge Berger for many years and having a very high regard for her and liking her very much for many years. I continue to be amazed by her tremendous intellect, her calmness—a very marvelous calmness which speaks of integrity and knowledge and fearlessness in the face of whatever may come